

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

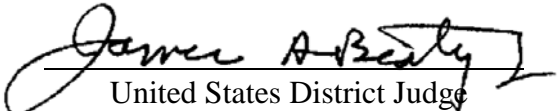
THOMAS H. DAYE,)	
)	
Plaintiff,)	
)	
v.)	1:04CV25
)	
JOHN E. POTTER, POSTMASTER)	
GENERAL, US POSTAL SERVICE)	
(EASTERN AREA OPERATIONS),)	
)	
Defendant.)	

ORDER AND JUDGMENT

BEATY, District Judge.

For the reasons discussed in the Memorandum Opinion filed contemporaneously herewith, Plaintiff's Motion for an Extension of Time to Respond [Document #16], which was filed more than three months after Plaintiff's Response was due, is DENIED. However, despite Plaintiff's failure to file a Response, the Court has nevertheless considered the substance of Plaintiff's Complaint, and for the reasons discussed in the Memorandum Opinion, the Court finds that Plaintiff has failed to state a claim upon which relief can be granted. Therefore, Defendant's Motion to Dismiss or for Summary Judgment [Document #9] is GRANTED, and Plaintiff's claims are DISMISSED WITH PREJUDICE.

This, the 12 day of April, 2005.


United States District Judge